already exists. Furthermore, claim 1 clearly recites that it is the "information device" that "sends said verifiable acknowledgement to said information owner." This process is supported by the Specification of the present application at, for example, page 4, lines 10-20.

However, in the interest of compact prosecution, claim 1 has been amended to explicitly recite that the acknowledgment is sent "over said network." Accordingly, Applicant respectfully requests that this rejection be withdrawn with respect to the claims as amended.

B. Claim Rejections -- 35 U.S.C. § 102

Claims 1, 3, 4, 7, 8, 11, 12, 19, and 22 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,105,008, issued to Davis et al. (the "Davis reference"). These rejections are respectfully traversed. Generally, as discussed in further detail below, the Davis reference fails to disclose, suggest, or teach one or more elements of independent claims 1, 19, and 34 as amended and the various dependent claims depending therefrom.

As a preliminary matter, Applicant notes that the Examiner repeatedly refers to rejections of claims which are not currently pending in the application. In Section 6 of the Office Action, for example, the Examiner refers to claims 2, 6, 10, 20, and 21, all of which were previously cancelled without prejudice (as the Examiner notes in Section 1 of the Office Action). Applicant assumes that this was merely an oversight on the Examiner's part.

The method disclosed in the Davis reference involves the transfer of data (specifically, data representing monetary funds) between and among the three parties shown in Fig. 5, and involves the generation and transmission of some type of "acknowledgement." However, the components and flow disclosed by the Davis reference vary greatly from that which is recited in claims 1, 19, and 34 as amended. For example, the Davis reference does not disclose a system

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wherein the data is "transferred by said external device <u>as delegated by said information owner</u>" as variously recited in the claims. That is, the transfer of data disclosed in the Davis reference is not delegated, but is merely initiated by the user himself (see step 871 in Fig. 18A), after which the client terminal (which interfaces with the smart card) issues the load request to the load server (step 878 in Fig. 18A). In contrast, the present invention, as embodied in the pending claims, involves the delegated download of software in a way which is essentially transparent to the user of the smartcard. Specifically, the data (e.g., the "software") is transferred "as delegated by" the information owner (e.g., the issuer) as recited in claims 1, 9, and 34. The Examiner does not cite any mention of the "delegated by said information owner" element in the Davis reference. As such, this Section 102 rejection is improper.

Furthermore, the Davis reference fails to disclose the transfer of "software" and the transmission, to the information owner, of a subsequently generated "verifiable acknowledgement of the transferred software" as recited in the pending independent claims. That is, the Davis reference exclusively deals with the secure transfer of information related to a monetary amount, which is a simple scalar value. The present invention relates to the transfer of software instructions and the generation of an acknowledgment based on the content of those instructions.

Furthermore, the Davis reference does not disclose a system wherein the information is "associated with the information owner" as recited in the independent claims. The Davis reference involves the transfer of funds from the payment server (item 206 in Fig. 5) to the merchant server (item 208 in Fig. 5); however, the monetary amount is not "associated with" the merchant server in the sense used in the present application. That is, the merchant server of Davis is not an "information owner" in the way the card issuer is the information owner of the

transferred software delegated to the third party ("the external device") as recited in pending independent claims 1 and 19.

In summary, the Davis reference fails to disclose, suggest, or teach one or more elements of independent claims 1, 19, and 34 as amended and the various dependent claims depending therefrom. Accordingly, Applicants respectfully request that the Section 102 rejections be withdrawn.

C.   Claim Rejections -- 35 U.S.C. § 103

Claims 1, 3, 4, 7, 8, 9, 11-16, 19, 22-27, and 34-37 stand variously rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,317,832 (the "Everett reference") in view of U.S. Pat. No. 5,999,740 (the "Rowley reference") and the Davis reference.

Applicant respectfully traverses these rejections and submits that no combination of the cited reference and prior art of record would include each and every element of the pending claims.

The Everett reference generally relates to multiple-application card systems employing a certification authority and personalization bureau. The certification authority requires the cards to be "injected" with a public key and card identifier, which are then stored in a personalization data block. The certification authority also signs all loaded applications using a private key.

None of these references, taken alone or in combination with the Davis reference, disclose, *inter alia*, a system wherein the data is "transferred by said external device as delegated by said information owner" as recited in claims 1, 19, and 34.

In addressing this element, the Examiner cites the Everett reference at figures 9 and 10 and four sections of text: column 3, lines 50-68; column 4, lines 1-61; column 9, lines 15-61; and

column 12, lines 20-65. Figure 9 shows an overview of the Everett system, which is particularly illustrative. For example, note that the card issuer 113 encompasses the application loader 106. That is, the application is downloaded directly by the issuer, not a delegated third party. Figure 10 (and supporting text in column 14) discloses that card issuer 171 may instruct another entity (155) to download and application to IC Card 151; however, there is no disclosure of an acknowledgement sent back to card issuer 171. The sections cited by the Examiner only relate to an "application load certificate" which is signed by the certificate authority and is used to determine whether the card may accept the downloaded application. No mention is made of an acknowledgment step initiated by the card itself after the application is loaded. In fact, the section entitled "Summary of IC card system's process" starting at column 12 of the Everett reference, discloses that the card itself simply "selectively loads the application onto itself based upon the card's identity and the card issuer's instructions." The card does not generate an acknowledgement as that term is used in the instant application.

The Examiner admits that "Everett is not explicit about.. . . the step of forwarding the acknowledgement of the successful download to the information owner," but argues instead that the Rowley reference automatically informs the information owner of the successful download or update of software, and it would therefore be obvious to combine the two.

The Rowley reference simply relates to an updating mechanism for software applications generally used in conjunction with personal computers and the like. A software update mechanism in the user's computer accesses a remote file server to obtain a release file containing a list of software applications available and determines which applications have upgrades available. The applications are then downloaded from the appropriate source.

The Rowley reference merely mentions that "statistics" are returned to the central server to let it know which applications were downloaded to whom. The Rowley reference does not present any detailed information regarding the nature of these statistics, but the most reasonable interpretation, given the text and drawings, is that these statistics relate to simply a list of which applications were installed on which computer at what time. There is no mention of an "acknowledgment" as recited in the present claims. Furthermore, there is no mention of delegated download and the like. As a result, there is no suggestion to combine the Rowley reference, which deals with relatively simple application downloads between two trusted parties, with the Davis and/or Everett reference, which both deal with secure downloads between many parties with varying levels of trust vis-à-vis each other.

In accordance with the above, Applicant reiterates that no combination of the cited references and prior art of record would include each and every element of any of the pending claims as amended, and that there is no motivation or suggestion to combine the references as cited by the Examiner. Applicant therefore requests that all Section 103 rejections be withdrawn with respect to the claims as amended.

D.   Conclusion

In view of the above remarks, Applicants respectfully submitted that the foregoing remarks fully address the Examiner's objections, and that all of the pending claims comply with 35 U.S.C. § 112, are patentable over the art of record, and are in condition for allowance.

Attached hereto is a marked-up version of the changes made to the specification and claims by the present Amendment. The attached page is captioned "Version with markings to show changes made."

A Notice of Allowance respecting all pending claims is earnestly solicited. If the Examiner still has concerns about the application, Applicant notes that this Response is timely filed within two months of the Final Office Action, so an Advisory Action is requested. However, if the Examiner wish to discuss any of the above in greater detail, then the Examiner is invited to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,

Date February 28, 2003

By _____
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Version with markings to show changes made

In the Claims:

1.   (Amended) A system for authenticating download of software to an information device,

comprising:

at least one external device capable of transferring the software to said information

device <u>over a network</u>, wherein the software is associated with an information

owner remote from said external device, and wherein said software is transferred

<u>over said network</u> by said external device as delegated by said information owner;

and

said information device configured to perform an acknowledgment process, wherein said

acknowledgment process produces a verifiable acknowledgement of the

transferred software and sends said verifiable acknowledgement <u>over said</u>

<u>network</u> to said information owner for validation by said information owner.

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